

### **REMARKS**

Claims 1 – 49 are pending. Claims 26, 28-29, 33, 36-47 are cancelled. Claim 25 has been amended to incorporate original claim 26. Claims 50 and 51 have been added. Support for these claims can be found throughout the specification, including the claims as originally filed.

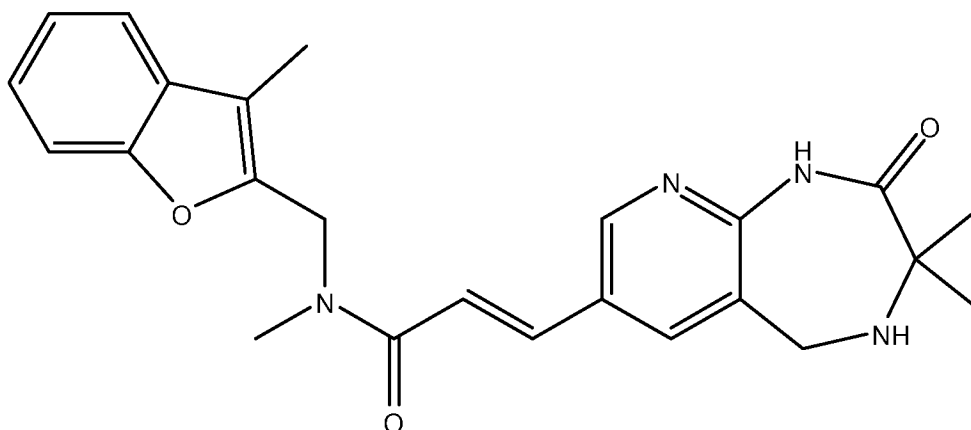
Amendment of the originally filed claims, or cancellation of any claims should in no way be construed as an acquiescence, narrowing, or surrender of any subject matter. The amendments are being made not only to point out with particularity and to claim the present invention, but also to expedite prosecution of the present application. Applicants reserve the option to prosecute the originally filed claims further, or similar ones, in the instant or subsequently filed patent applications.

#### **I. The Restriction Requirement**

In response to the outstanding Restriction Requirement dated July 20, 2007, applicants elect the invention Group I, Claims 1-2, 5-6, 13, 14, 17, 21-42, and 49. Applicants note that the various groups recited in the restriction requirement do not encompass all of the instant claims. For example, the recited Groups do not allow for a claim to a compound where e.g., A is expressed as a bicyclic ring, e.g. as recited claim 1, and not specifically as “benzofuran” as recited e.g., in Group I. Because Applicants believe that the Office can not refuse to examine what the Applicants regard as their invention, Applicants respectfully request that the restriction include these moieties, e.g. where A is a bicyclic ring.

#### **II. Applicant's Election of Species**

Applicants elect the compound (E)-3-(3,3-Dimethyl-2-oxo-2,3,4,5-tetrahydro-1H-pyrido[2,3-e][1,4]diazepin-7-yl)-N-methyl-N-(3-methyl-benzofuran-2-ylmethyl)acrylamide hydrochloride, as shown in Example 157,



Applicants believe that this species reads on claims 1, 2, 5,6,13,14, 17, 20, 21-42, and 49, as filed, and new claims 50 and 51. Applicants understand that, following such an election, the elected claims reciting the restricted Markush-type structure will be examined fully with respect to the elected species and further to the extent necessary to determine patentability. See M.P.E.P. 802.02. Furthermore, the Applicants understand that upon allowance of a generic claim, they will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of any allowed generic claims.

The Applicants expressly reserve the right to prosecute claims and species not elected herein in other patent applications claiming the benefit of the filing date of this application. Specifically, Applicants reserve the right to file divisional applications directed to each of the individual restriction Groups.

Any questions raised by this submission may be directed to the undersigned at (617) 570-8743. The Commissioner is hereby authorized to charge any underpayments, or credit any overpayments, to our Deposit Account No. 07-1700, **Reference: IPT-075.**

**CONCLUSION**

The Examiner is invited to contact the undersigned with any questions about this paper.  
Early favorable action is respectfully solicited.

Respectfully submitted,

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Reg. No. 50,356

Tel. No.: (617) 570-8743  
Fax No.: (617) 523-1231

/Theresa C. Kavanaugh/  
Theresa C. Kavanaugh  
Attorney for Applicants  
Goodwin Procter LLP  
Exchange Place  
Boston, Massachusetts 02109  
Customer No. 051414